

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

JOSEPH MIRAKAY, LOUIS MESSINA,  
MICHAEL ELEFTERAKIS & JOHN  
GEMBINSKI, on behalf of themselves and  
Others similarly situated,

Plaintiff,

V.

DAKOTA GROWERS PASTA COMPANY,  
INC.; GLENCORE XSTRATA; and VITERRA,  
INC.,

Defendants.

Case No. 13-cv-04429-JAP-LHG

**RETURN DATE: December 1, 2014**

**NOTICE OF PLAINTIFFS' MOTION FOR APPEAL BOND**

**PLEASE TAKE NOTICE** that, on December 1, 2014, or as soon thereafter as counsel may be heard, Plaintiffs Joseph Mirakay, Louis Messina, Michael Elefterakis, John Gembinski, and Jesse Weiss (collectively “Plaintiffs”) shall move before the Honorable Joel A. Pisano at the United States District Court for the District of New Jersey, Courtroom #1, Clarkson S. Fisher Building & U.S. Courthouse, 402 East State Street, Trenton, NJ 08608, for an Order for Appeal Bond.

PLEASE TAKE FURTHER NOTICE that in support of their motion, Plaintiffs will rely upon the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Appeal Bond and the Declaration of Tore Hodne.

Date: November 13, 2014

Respectfully submitted,

/s/ Daniel Gluck

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